

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

MICHAEL S. GRIFFIS

PLAINTIFF

v.

Civil No. 05-3040

SHERIFF CHUCK MEDFORD;  
LT. BETH REELY; JIMMY  
KEELAND; MICHAEL BROWN;  
PETE MOSS; JACK GENTRY;  
MARK LOTTA; DR. THERESA FARROW;  
DR. DONALD CLAY; SHELIA M.  
HOWERTON; and REGINA FOX JEFFREY

DEFENDANTS

**ORDER**

Separate Defendants Dr. Theresa Farrow and Dr. Donald Clay have filed a motion for summary judgment (Doc. 84). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, Michael S. Griffis is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **July 26, 2007**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 13th day of June 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

MICHAEL S. GRIFFIS

PLAINTIFF

v.

Civil No. 05-3040

SHERIFF CHUCK MEDFORD;  
LT. BETH REELY; JIMMY  
KEELAND; MICHAEL BROWN;  
PETE MOSS; JACK GENTRY;  
MARK LOTTA; DR. THERESA FARROW;  
DR. DONALD CLAY; SHELIA M.  
HOWERTON; and REGINA FOX JEFFREY

DEFENDANTS

**RESPONSE TO SUMMARY JUDGMENT MOTION**

TO: MICHAEL S. GRIFFIS

These questions and answers will serve as your response to the motion for summary judgment filed by separate defendants Dr. Theresa Farrow and Dr. Donald Clay. You may use additional sheets of paper in responding to these questions. You must file this response by **July 26, 2007**.

1. You were treated as an outpatient at the Ozark Guidance Center (OGC) in 1995 and 1996.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 3.

---

---

---

---

2. You resumed treatment at OGC as an outpatient in 2002.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 3.

---

---

---

---

3. You were a private patient of the OGC.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

---

---

---

---

4. At all times relevant to your complaint, Dr. Theresa Farrow and Dr. Donald Clay were employed as salaried psychiatrists by OGC.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 1 and the Affidavit of Dr. Farrow at ¶ 1.

---

---

---

---

5. Neither Dr. Farrow nor Dr. Clay were employed by the State of Arkansas or Carroll County or any department or division of the State or any of its counties at any time relevant to this case.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 4.

---

---

---

---

6. Neither Dr. Farrow nor Dr. Clay ever contracted with the State of Arkansas or Carroll County or any department or division of the State or any of its counties for the furnishing of medical or psychiatric services.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 4.

---

---

---

---

7. After you became incarcerated at the Carroll County Jail, Dr. Clay did from time to time treat you.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 3.

---

---

---

---

8. Dr. Clay was not paid or compensated in anyway by the State of Arkansas or Carroll County, or any department or division of the State of Arkansas, or one of its counties, for any medical or psychiatric services he provided to you.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 4.

---

---

---

---

9. Dr. Farrow was taking call for Dr. Clay on January 2, 2004.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 5.

---

---

---

---

10. On January 2, 2004, Dr. Farrow spoke with Beth Reely of the Carroll County Jail regarding you.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Farrow at ¶  
4.

---

---

---

---

11. Based upon Dr. Farrow's telephone conversation with Reely, her review of your records, her education, training and experience, Dr. Farrow requested that four of your medications, Lexapro, Paxil CR, Seroquel, and Trazodone, be discontinued and that you be tapered off another medication, Diazepam.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Farrow at ¶  
4.

---

---

---

---

12. Given the information provided Dr. Farrow by the Carroll County Jail which indicated you were not being compliant in taking the medications that had been prescribed to

you, and considering this information in light of your physical and mental condition as shown in the treatment records of the OGC, Dr. Farrow concluded this medical decision was entirely appropriate and well within the standard of care applicable to psychiatrists in good standing in the State of Arkansas.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Farrow at ¶  
5.

---

---

---

---

13. Dr. Farrow was not paid or compensated in anyway by the State of Arkansas or Carroll County, or any department or division of the State of Arkansas, or one of its counties, for any medical or psychiatric services she provided to you.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Farrow at ¶  
6.

---

---

---

---

14. With a week, Dr. Clay reviewed Dr. Farrow's letter of January 2, 2004, directed to Sgt. Beth Reely, Dr. Clay, and Diane Lyddon. Considering the information they had that you were not being compliant with the medications prescribed to you, Dr. Clay had no disagreement with Dr. Farrow's recommendations.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Affidavit of Dr. Clay at ¶ 5.

---

---

---

---

15. In Dr. Clay's opinion, the medical decision Dr. Farrow made was entirely appropriate and well within the standard of care applicable to psychiatrists in good standing in the State of Arkansas.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶ 5.

---

---

---

---

16. Dr. Clay never refused to treat you and did not discharge you from his care.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶



6.

---

---

---

---

17. In Dr. Clay's opinion the discontinuance and tapering of medications, as outlined in Dr. Farrow's January 2, 2004, letter, did not cause you any harm or negatively impact your physical or mental condition or prognosis.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Clay at ¶

7.

---

---

---

---

---

18. OGC never refused to treat you and did not discharge you from its care.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Affidavit of Dr. Farrow at

¶ 7.

---

---

---

---

19. In Dr. Farrow's opinion, the discontinuance and tapering of the medications, as outlined in her January 2, 2004, letter did not cause you any harm or negatively impact your physical or mental condition or prognosis.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

---

---

---

---

20. Please state: (1) who dispensed medications at the Carroll County Jail; (b) the times the medications were dispensed; (c) whether you had to sign for medication as it was dispensed; and (d) whether prior to January 2, 2004, you had taken all medication you were prescribed by Dr. Clay or Dr. Farrow.

---

---

---

---

---

---

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

[illegible]

[illegible]

22. Please explain in detail how you believe Dr. Clay exhibited deliberate indifference to your serious medical needs.

Answer:

---

---

---

---

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

23. Please explain in detail how you believe Dr. Farrow exhibited deliberate indifference to your serious medical needs.

Answer:

---

---

---

---

---

---

24. Ordinarily private individuals, those who do not work for governmental entities, cannot be held liable under § 1983. Please explain why you believe Dr. Clay and Dr. Farrow should be held liable under § 1983 for the alleged violations of your federal constitutional rights.

---

---

---

---

[illegible]



---

---

---

---

---

---

---

---

---

---

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.

EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007.

\_\_\_\_\_  
MICHAEL S. GRIFFIS